

REMARKS

Reconsideration and further examination of the subject patent application is respectfully requested in view of the accompanying Request for Continued Examination, present Amendment, and the following Remarks. Claims 1-46 are currently pending in the application. Claims 3-6 and 26 have been rejected under 35 U.S.C. § 112, second paragraph as indefinite. Claims 1-9, 16-20, 22, 36-39 and 45-46 have been rejected under 35 U.S.C. §102(e) as being anticipated by Schulze et al. ("Schulze") (U.S. Pub. No. 2001/0027384). Claims 13-15, 21, 23-28, 32-35, and 42-44 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schulze in view of U.S. Pat. No. 6,857,072 to Schuster et al. ("Schuster"), and claims 10-12, 29-31, 40 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schulze in view of U.S. Pat. No. 6,823,318 to Creswell et al. ("Creswell"). Independent claim 1, and dependent claim 3 have been amended. After careful review of the references and the claims as amended, it is believed that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

Claims 3-6 and 26 have been rejected as indefinite for reciting that data is transmitted prior to (Claim 3, 4, 26), during (Claim 5), or simultaneously (Claim 6) with the two way communication between the customer and the agent. The examiner asserts that base claim 1 and applicant's remarks require the data to be transmitted after the two-way communication. Applicant respectfully traverses this rejected. Neither claim 1 nor applicant's remarks require the data to be transmitted after the first communications is completed. Claim 1 merely calls for "a communication channel that connects..." but does not require that the communication be

completed. Claims 3 and 4 now call for voice communications, and nothing in Claim 1 requires that a voice communication occurs prior to sending data. Claims 5 and 6 call for data during or substantially simultaneously, which is not inconsistent with the claim 1 requirement for a communication channel since there is no requirement in claim 1 to complete a transmission using the first communication process before transmitting data. Therefore, applicants believe claims 3, 4, 5 and 6 are now in allowable form.

Independent claim 1 has been further limited to recite a data processor that operates on the communication channel. Thus, the claimed system's first communication process and second communication process are on the same channel. Claims 22, 23, 24 and 36 already similarly call for the second communication process on the same channel as the first.

In contrast, Schulze involves two separate communications channels. In Schulze, as shown in Fig. 1 and described at paragraph 0047-48, voice traffic is transmitted through the wireless network 20 and PSTN22 to the 911 operator or medical care provider, but data is transmitted over an Interworking Function 24 to the Internet 26 for retrieval through terminal 28 or the host 30. Thus, the data is transmitted over an internet communications channel different from the channel used for voice communication. Therefore, independent claims 1, 22, 23, 24 and 36 which use the same channel for both communication processes, are believed to be distinguishable over Schulze. In addition, neither Schuster, nor Creswell disclose this feature. Thus, claims 1, 22, 23, 24 and 36 are believed to be allowable over the cited references. The dependent claims 2-21, 25-35, and 37-46 are also believed to be allowable because they depend from allowable base claims.

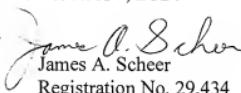
The Office Action Summary indicated the drawings were objected to but the Examiner did not identify any objection in the Office Action. New drawings were submitted with the Amendment filed January 5, 2006 for approval. The Examiner's approval of those drawings or clarification of the objections is respectfully requested.

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits a Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

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